

REMARKS

Applicants acknowledge receipt of an Office Action dated October 22, 2003. Claims 15-31 are currently pending in the application. Applicants respectfully request reconsideration of the present application in view of the following remarks.

Rejections Under 35 U.S.C. §102

On page 2 of the Office Action, the PTO has rejected claims 15-19, 22, 23, 26 and 29-31 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 3,883,267 to Baudier *et al.* (hereafter “Baudier”). Applicants respectfully traverse this rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP §2131. Here, Baudier fails to disclose a “a connecting section for connecting the composite material article to another article, the connecting section comprising an opening therethrough for accommodating a fastener” as recited in independent claim 15. While the PTO has indicated that “Baudier discloses in figure 1 number 3b...openings through which the material such as adhesive or the matrix can penetrate from the purpose of improving adhesion between the composite fibrous material and the core,” Applicants submit that this does not constitute “a connecting section for connecting the composite material article to another article,” and, given the configuration of the article depicted in the drawings of Baudier, opening 3b could not accommodate a fastener because the openings are present only in the core and, therefore, are not open to the outside, in order to allow a fastener to be inserted in the opening.

In addition, Applicants submit that Baudier fails to disclose the presently claimed “transitional section between the fiber composite section and the connecting section”.

Furthermore, Baudier fails to disclose the abutment of layers from the connecting section (there are no layers!) and the layers of the fiber composite section in a transition section. Applicants request clarification of the region of Baudier’s article that the PTO deems to be a connecting region. The statement, on page 2 of the Office Action “figure 3 from the

far right of the number 3 to halfway of number 3” does not seem to clearly define a distinct connecting region. Column 5 lines 31 to 37 clearly indicate that the steps formed by the successive layers of the fiber composite material are formed so as to attach the layer in question to the core through said step. Specifically, Baudier states that “[t]he offset portion thus forms a step, through which the layer in question is attached to the core.” The area of an outer layer which protrudes over an inner layer is used for adhering the layer to tile metal core. Therefore, there are no layers abutting each other.

For these reasons, Applicants submit that Baudier cannot properly anticipate claim 15 or claims 14-19, 22-23, 26 or 29-31 which ultimately depend therefrom.

With particular regard to claim 31, Applicants note that Baudier fails to disclose a composite material article comprising a connecting section which comprises at least one hole for receiving a bolt.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under §102.

Rejections Under 35 U.S.C. §103

On page 4 of the Office Action, the PTO has rejected claims 20, 21, 24, 25, 27 and 28 under 35 U.S.C. §103(a) as being unpatentable over Baudier in view of EP 0783960 to Willard *et al.* (hereafter “Willard”). Applicants respectfully traverse this rejection for the following reasons.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA 1974). See MPEP §2143.03. Here, Baudier fails to disclose a “a connecting section for connecting the composite material article to another article, the connecting section comprising an opening therethrough for accommodating a fastener” as recited in independent claim 15. While the PTO has indicated that “Baudier discloses in figure 1 number 3b...openings through which the material such as adhesive or the matrix can penetrate from the purpose of improving adhesion between the composite fibrous material and the core,” Applicants submit that this

does not constitute “a connecting section for connecting the composite material article to another article” and given the configuration of the article depicted in the drawings of Baudier opening 3b could not accommodate a fastener because the openings are present only in the core and, therefore, are not open to the outside, in order to allow a fastener to be inserted in the opening.

In addition, Applicants submit that Baudier fails to disclose the presently claimed “transitional section between the fiber composite section and the connecting section”.

Furthermore, Baudier fails to disclose the abutment of layers from the connecting section (there are no layers!) and the layers of the fiber composite section in a transition section. Applicants request clarification of the region of Baudier’s article that the PTO deems to be a connecting region. The statement, on page 2 of the Office Action “figure 3 from the far right of the number 3 to halfway of number 3” does not seem to clearly define a distinct connecting region. Column 5 lines 31 to 37 clearly indicate that the steps formed by the successive layers of the fiber composite material are formed so as to attach the layer in question to the core through said step. Specifically, Baudier states that “[t]he offset portion thus forms a step, through which the layer in question is attached to the core.” The area of an outer layer which protrudes over an inner layer is used for adhering the layer to tile metal core. Therefore, there are no layers abutting each other.

Willard adds nothing to resolve these fundamental deficiencies in Baudier. Thus, neither Baudier nor Willard, taken individually or in combination, teach or properly suggest all of the features of independent claim 15.

If an independent claim is nonobvious under §103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). See MPEP 2143.03. Thus, Applicants submit that claims 20, 21, 24, 25, 27 and 28, which ultimately depend from claim 15, are also non-obvious.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of this rejection under §103.

CONCLUSION

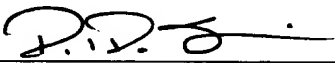
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 2/23/04

By 

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